

As to Defendant Giles County Jail, a county jail or workhouse is not a person that can be sued under 42 U.S.C. § 1983. Rhodes v. McDannel, 945 F.2d 117, 120 (6<sup>th</sup> Cir. 1991); *see also* Petty v. County of Franklin, Ohio, 478 F.3d 341, 347 (6<sup>th</sup> Cir. 2007)(a county sheriff's department is also


not a “person” subject to liability under § 1983). For that reason, Plaintiff has failed to state a claim against the Giles County Jail.

As to his denial of transfer claim against Defendant Mattox, a prisoner has no inherent constitutional right to be confined in a particular penal facility or to be held in a specific security classification. Olim v. Wakinekona, 461 U.S. 238, 245-246 (1983). Thus, transfers and prison assignments are functions solely within the discretion of the Tennessee officials. Williams v. Bass, 63 F.3d 483, 485 (6<sup>th</sup> Cir. 1995). Plaintiff has not alleged that he is being held at the Giles County Jail for some constitutionally improper purpose. Therefore, the Court concludes that the Plaintiff fails to state an actionable claim against Defendant Teresa Mattox.

Absent an actionable federal law claim, the Court must dismiss this action.

An appropriate Order is filed herewith.

**ENTERED** this the 8<sup>th</sup> day of May, 2013.

  
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WILLIAM J. HAYNES, JR.  
Chief Judge  
United States District Court




Thereafter, the custodian shall submit twenty percent (20%) of the Plaintiff's preceding monthly income (or income credited to the Plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of three hundred fifty dollars (\$350.00) as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk of Court. 28 U.S.C. § 1915(b)(2).

In accordance with the Memorandum contemporaneously entered, the complaint fails to state a claim upon which relief can be granted. Consequently, this action is hereby **DISMISSED**. 28 U.S.C. § 1915(e)(2). An appeal of the judgment rendered herein would not be taken in good faith. Coppedge v. United States, 369 U.S. 438, 445-446 (1962). Therefore, the Plaintiff is **NOT** certified to pursue an appeal of this judgment *in forma pauperis*. 28 U.S.C. § 1915(a)(3). Nevertheless, should the Plaintiff decide to file a notice of appeal, he must either pay the Clerk of Court the full appellate filing fee of four hundred fifty five dollars (\$455.00) or submit a new application to proceed *in forma pauperis* with a certified copy of his inmate trust account statement for the previous six month period. 28 U.S.C. § 1915(a)(1); McGore v. Wigglesworth, 114 F.3d 601 (6th Cir. 1997).

The Clerk is directed to send a copy of this order to the Sheriff of Giles County to ensure that the custodian of Plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing fee.

It is so **ORDERED**.

**ENTERED** this the 8<sup>th</sup> day of May, 2013.

  
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WILLIAM J. HAYNES, JR.  
Chief Judge  
United States District Court